

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re: :
: Case No. 12-23649
: (RDD)
DEBRA P. MARIN, : Chapter 13
:
Debtor. : **CONSENT ORDER**
: **PARTIALLY LIFTING**
: **AUTOMATIC STAY**
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WHEREAS, on or about September 17, 2012, Debtor Debra P. Marin ("Debtor") filed a Voluntary Petition under chapter 13 of the United States Bankruptcy Code which is pending in this Court; and

WHEREAS, multiple proceedings are pending in the Surrogate's Court of the State of New York, Putnam County, File No. 207-2007, and the Surrogate's Court of the State of New York, Dutchess County, File No. 2012-181, concerning the Estate of Ana Beatrix Marin ("Decedent"), including but not limited to:

1. A Petition for compulsory accounting against Philip Marin and Carla L. Marin;
2. A Petition by William Carlin to judicially settle his account as Temporary Administrator of the Decedent's estate; and
3. A proceeding for construction of the Decedent's Last Will and Testament, and an appeal from the Decision and Order of the Surrogate's Court in that proceeding (collectively, the "Surrogate's Court Proceedings");

and

WHEREAS, an action is pending in the Supreme Court of the State of New York, County of Dutchess, to foreclose on real property located in Dutchess County in which the Debtor has an interest; and

WHEREAS, Carla L. Marin, Executor of the Decedent's Estate, because of this pending proceeding in Bankruptcy Court, has advocated that all proceedings in the Surrogate's Court of the State of New York, concerning the Decedent's estate should be stayed because of the automatic bankruptcy stay;

NOW IT IS HEREIN STIPULATED AND AGREED that any automatic stay occasioned by the pending Voluntary Petition of Debra Marin in the United States Bankruptcy Court, is not applicable as against any action, matter or proceeding concerning any matter pertaining to the administration, affairs, or management of the Decedent's estate, including but not limited to the Surrogate's Court Proceedings and all other proceedings in the Surrogate's Court and/or appeals to the Second Department, except that the stay shall continue to apply to all foreclosure proceedings against or concerning the Debtor.

IT IS FURTHER STIPULATED AND AGREED that this Stipulation may be signed in counterparts and each separate

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signature shall constitute part of one original and that
facsimiles shall substitute as originals.

Dated: New York, New York
March 24, 2014

/s/ Jeffrey L. Sapir
United States Trustee
Ch 13 Trustee
For Jeffrey L. Sapir
Ch 13 Trustee

/s/ Gary Gjertsen
Gary R. Gjertsen, Esq.
Attorney for Debtor

/s/ Charles T. Scott
GREENFIELD STEIN & SENIOR, LLP
Charles T. Scott, Esq.
Attorney for Andrea Marin

SO ORDERED:

/s/ Robert D. Drain
Honorable Robert D. Drain
United States Bankruptcy Judge
Southern District of New York

Dated: White Plains, New York
March 27, 2014